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December 4, 2019

BY ECF

Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: *Warmin v. New York City Dep't of Educ., et al.*
16 Civ. 8044 (KPF) (JLC)
Our No. 2016-047056

Dear Judge Polk Failla:

I am an Assistant Corporation Counsel in the office of James E. Johnson, Corporation Counsel of the City of New York, attorney for defendants in the above-referenced action. Defendants respectfully submit this letter to request that plaintiff's letter containing discovery demands, dated November 19, 2019, be sealed in order to protect the confidential information of a minor. *See* Docket Entry No. 66. Plaintiff has not responded to defendants' request for his consent on this issue.

Plaintiff *pro se* is a former probationary teacher employed by DOE¹, and claims disability discrimination and retaliation in violation of the ADA, SHRL, and CHRL.² Defendants answered the Complaint on August 23, 2019, and the Court issued an order on October 17, 2019, setting forth the parties' discovery schedule. *See* Docket Entry No. 65. On November 19, 2019, plaintiff filed a letter containing his requests for the production of discoverable documents by defendants. *See* Docket Entry No. 66. In filing his discovery demands to the docket, plaintiff inadvertently disclosed the name of a DOE Special Education student whose records plaintiff seeks. *See* id. at 1.

¹ DOE is, formally, the Board of Education of the City School District of the City of New York.

² All references to "ADA" are to the Americans with Disabilities Act, 42 U.S.C. §§ 12112, *et seq.*; to "SHRL" are to the New York Human Rights Law, N.Y. Exec. L. §§ 290, *et seq.*; and to "CHRL" are to the New York City Human Rights Law, N.Y.C. Admin. Code §§ 8-101, *et seq.*

HONORABLE KATHERINE P. FAILLA

United States District Judge

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The Federal Rules of Civil Procedure require that the names of minors be redacted from documents filed with courts, and federal regulations prohibit the disclosure of identifying student information. *See* Fed. R. Civ. P 5.2; Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. § 1232g. Accordingly, the parties jointly request that plaintiff’s November 19, 2019 letter be sealed in order to protect that student’s identity and other confidential information.

The parties thank the Court for its consideration of this matter.

Respectfully submitted,

[ECF] /S/

Cassandra N. Branch
Assistant Corporation Counsel

cc: Adam Warmin
Plaintiff *Pro Se*
(By ECF and Mail)

Application GRANTED. The Clerk of Court is directed to seal the letter appearing at docket entry 66.

Dated: December 5, 2019
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE